

**REMARKS**

Claims 1 through 40 were presented for examination in the present application and remain pending upon entry of the instant amendment.

The specification has been amended to correct an obvious error.

In the Office Action, claims 1 through 40 were rejected under 35 U.S.C. 102(b) as being anticipated by US 6,514,667 ("Angelopoulos").

Applicants respectfully traverse these rejections.

Independent claim 1 recites a structure having on a "surface thereof a first layer which comprises a water and/or aqueous base soluble material comprising Ge, O, and H, and optionally X, wherein X is at least one of Si, N, and F (emphasis added)".

It is respectfully submitted that the Office Action has failed to make a prima facie case of anticipation of claim 1.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

It is respectfully submitted that the Office Action fails to assert that Angelopoulos discloses or suggests a first layer that comprises a water and/or aqueous base soluble material as recited by claim 1. Accordingly, it is respectfully submitted that the Office Action has failed to make a prima facie case of anticipation of claim 1. Reconsideration and withdrawal of the rejection of claim 1, as well as claims 2 through 25 that depend therefrom, are respectfully requested.

In addition, it is submitted that Angelopoulos does not disclose or suggest a first layer which comprises a water and/or aqueous base soluble material comprising Ge, O, and H, and optionally X, wherein X is at least one of Si, N, and F as recited by claim 1.

Rather, Angelopoulos discloses “A method comprising: depositing on a surface of a substrate a plurality of layers at least one of which is an RCHX layer which comprises structural formula  $R:C:H:X$  wherein R is selected from the group consisting of Si, Ge, B, Sn, Fe, Ti and combinations thereof and wherein X is not present or is selected from the group consisting of O, N, S and F, a top layer of said plurality of layers is an energy active material”. Angelopoulos is silent as to a layer that includes water and/or aqueous base soluble material and, thus, simply does not disclose or suggest claim 1.

Therefore, claim 1 is believed to be in condition for allowance. Claims 2 through 25 depend from claim 1 and are believed to be in condition for allowance for at least the reasons discussed above for claim 1. Reconsideration and withdrawal of the rejection of claims 1 through 25 are respectfully requested.

Independent claim 26 provides for a method of making a structure comprising: depositing on a surface of a substrate a “first layer which comprises a water and/or aqueous base soluble material (emphasis added)”.

Again, the Office Action fails to assert that Angelopoulos discloses or suggests a first layer which comprises a water and/or aqueous base soluble material as recited by claim 26. Thus, the Office Action has failed to make a prima facie case of anticipation of claim 26. Reconsideration and withdrawal of the rejection of claim 26, as well as claims 27 through 39 that depend therefrom, are respectfully requested.

In addition, Angelopoulos discloses a method of depositing on a surface of a substrate a plurality of layers but is silent as to water and/or aqueous base nature of this layer.

Accordingly, Angelopoulos does not disclose or suggest the “water and/or aqueous base” recited by independent claim 26. Claim 26 is therefore believed to be in condition for allowance. Claims 27 through 39 depend from claim 26 and are also believed to be in condition for allowance for at least the reasons discussed above for claim 26. Reconsideration and withdrawal of the rejection of claims 26 through 39 are respectfully requested.

Independent claim 40 recites a film for a lithographic structure comprising Ge, O, and H, and optionally X, wherein X is at least one of Si, N, and F, and wherein said film is water and/or aqueous base soluble.

Again, the Office Action fails to assert that Angelopoulos discloses or suggests a first layer which comprises a water and/or aqueous base soluble material as recited by claim 40. Further, Angelopoulos does not disclose nor suggest this element, for at least the reasons stated above. Therefore, the Office Action has failed to make a prima facie case of anticipation of claim 40 nor is claim 40 disclosed or suggested by Angelopoulos. Claim 40 is believed to be in condition for allowance. Reconsideration and withdrawal of the rejection for claim 40 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

Date: July 8, 2005



Paul D. Greeley  
Registration No. 31,019  
Attorney for Applicant(s)  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10<sup>th</sup> floor  
Stamford, CT 06901-2682  
Tel: (203) 327-4500  
Fax: (203) 327-6401